

Family awarded \$4.3 million

In the case Huff Bailey lost, a DeKalb County jury awarded \$4.3 million to the mother and children of a woman who died almost eight years ago following an infection that set in after she gave birth to twins.

Tanyka Brydson was 24 on March 21, 2002, when she delivered the babies by cesarean section at DeKalb Medical Center. The delivery was apparently unremarkable, but Brydson soon began to experience a sharp rise in temperature and elevated white blood count.

Over the next several days, her condition worsened and the incision point displayed increasing signs of infection, becoming painful, hardening and showing signs of necrotizing fasciitis, or dying of the tissue.

She was treated with broad-spectrum antibiotics but did not respond, her temperature rising to 105 degrees at one point, and a new infection erupting on her thigh.

Brydson underwent several surgical debridements, procedures in which dead tissue is cut away, on her abdomen, groin and thighs, and was eventually placed on a respirator, according to the order.

On May 2, she was transferred to Emory Crawford Long Hospital for hyperbaric therapy, where she stayed for seven weeks before dying of multi-organ system failure, sepsis and blood clots throughout her circulatory system.

In 2004, Brad C. Kaplan and James I. Seifter of Marietta's Kaplan & Seifter and Horatio O. Edmondson of Stone Mountain filed a wrongful death action against DeKalb Medical Center, Consolidated OB-GYN Specialty Group, DeKalb Surgical Associates and eight doctors involved in Brydson's care.

The 10-count complaint, filed on behalf of Kathleen Allen, Brydson's mother and executor of her estate, and two of the dead woman's children, Erica Reese and Ethan Brydson, charged the defendants with negligently causing Brydson's "excruciating catastrophic personal injuries and death."

By the time the case was ready for trial, several defendants had been dismissed, said Jeffrey R. Harris of Harris, Penn & Lowry,

who was brought in to handle the trial with partner Stephen G. Lowry about six months ago.

"At one point, [the case] was like a medical lawyer's full-employment act," said Harris.

When trial began on Jan. 11 before DeKalb County State Court Judge Barbara J. Mobley, the defendants included Consolidated and its employee, Dr. Alecia R. Lovelady, who had performed the C-section; and DeKalb Surgical Associates and its employee, Dr. Michael J. Cornwell, who had performed several of the debridements and consulted with Brydson's other doctors on the procedures.

The other defendants, said the attorneys in the case, were dismissed; no settlements were paid for those dismissals.

"This was really a gruesome case," said Harris, noting that the debridements eventually cut away 40 percent of Brydson's body before she died, a figure confirmed by opposing counsel. "It's god-awful what happened to her."

At trial, defense attorneys argued that Brydson's infections were not caused by any improper care, but that the woman—who had a history of severe reactions to medications and antibiotics—suffered from one or more additional ailments.

"This was a tragic case, a horrible, horrible story," said Commander + Pound partner Theodore E.G. Pound, who led a team defending Consolidated and Lovelady that included his associate, Lori E. Jolly, and Carlock, Copeland & Stair partner Asha F. Jackson and associate Samantha T. Lemery.

"But," he said, "the evidence was fairly clear that she had more than a simple wound infection. She had some sort of auto-immune

disease. ... Over time it became clear that either this auto-immune disease contributed, or other very rare lethal conditions that are not very well understood. No one ever really knew why she died."

Huff, who represented DeKalb Surgical and Cornwell, said his client had been accused of failing to perform debriding procedures frequently enough, but those assertions were misguided, he said.

"Dr. Cornwell was evaluating her every day," he said. "Based on his observations, she had healthy tissue and did need to go back to the operation room. ... He could assess that whether she was in the operating room or [intensive care unit]."

The trial wrapped up Jan. 25, and the following day the jury returned a verdict finding no fault on the the part of Lovelady, the obstetrician, but holding Consolidated, DeKalb Surgical and Cornwell liable for a total of \$4,317,495, including \$2.3 million for the value of Brydson's life, \$200,000 for pain and suffering, and \$1,817,495 for medical and funeral expenses.

Both Pound and Huff said an appeal or motion for new trial is highly likely, and they agreed that the jury may have been moved by sympathy for Brydson and her family due to the horrific circumstances of her death.

"The verdict is against the great weight of the medical evidence," said Pound. "It is very difficult ... to understand how the jury concluded that Consolidated was at fault, but Dr. Lovelady was not. It is beyond my understanding."

"It is terribly unfair to me to think that this would be blamed on the obstetrician and the surgeon," he said. "This is the most difficult case I've ever tried."

"In speaking with the jurors, it was a

very close call on Dr. Cornwell," said Huff. "They said it was split for a lot of the deliberations; they felt he should have taken her to the operating room more frequently for debridements."

Harris, too, said the case was extraordinarily difficult, and credited partner Lowry as "the genius who sat around and read seven years of medical records and reports in six months" as key to the win.

"It was a very long case. I think, at one point, there were 15 or 20 medical experts on the other side," said Harris. "Sometimes more is less."

The case is *Allen v. Consolidated OB-GYN*, No. 04-A-18223-5.

Wreck suit settles for nearly \$1M

Three days before their case was to go to trial, the mother of a young man killed when the SUV he was riding in was struck by a tractor-trailer truck settled for nearly \$1 million with the trucker's insurer.

According to the pretrial order in the case, Ted Lambert, an owner-operator of a car-carrier truck, was driving his rig in the right lane of Lawrenceville Highway on March 24, 2007, when he came up on a car slowing to turn off the road.

Lambert, it said, swerved into the left lane, where a Jeep Cherokee driven by Joshua Reichwald was in the process of turning into a Bruster's Ice Cream shop. His passenger, 19-year-old Aaron Brown, was killed.

Lloyd N. Bell of Bell & Mulholland filed suit on behalf of Brown's mother, Ellece Brown, along with Charles H. Van Horn of Berman Fink Van Horn. "The biggest issue was liability," he said. The defense was arguing "that the SUV driver turned in front of the truck, but the rear-seat passengers and